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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE GERARDO CORTEZ-DIAZ,
aka "Cristian Axel Lopez-Cortez,"
aka "Chiquilin,"

Defendant.

2:20-CR-156-RFB-DJA

Preliminary Order of Forfeiture

This Court finds Jose Gerardo Cortez-Diaz, aka "Cristian Axel Lopez-Cortez," aka "Chiquilin," pled guilty to Count One of a One-Count Superseding Criminal Information charging him with conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. Superseding Criminal Information, ECF No. 364; Change of Plea, ECF No. 367; Plea Agreement, ECF No. 366

This Court finds Jose Gerardo Cortez-Diaz, aka "Cristian Axel Lopez-Cortez," aka "Chiquilin," agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgments set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information. Superseding Criminal Information, ECF No. 364; Change of Plea, ECF No. 367; Plea Agreement, ECF No. 366.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information and the offense to which Jose Gerardo Cortez-Diaz, aka "Cristian Axel Lopez-Cortez," aka "Chiquilin," pled guilty.

1 The in personam criminal forfeiture money judgment is (1) any property, real or
 2 personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C.
 3 § 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and
 4 1961(1)(D), or 21 U.S.C. § 846, conspiracy to commit such offense, (2) any property
 5 constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of
 6 violations of 21 U.S.C. §§ 841(a)(1) and 846, (3) any property used, or intended to be used,
 7 in any manner or part, to commit, or to facilitate the commission of violations of 21 U.S.C.
 8 §§ 841(a)(1) and 846, (4) all moneys, negotiable instruments, securities, or other things of
 9 value furnished or intended to be furnished in exchange for a controlled substance or listed
 10 chemical in violation of 21 U.S.C. §§ 841(a)(1) and 846, all proceeds traceable to such an
 11 exchange, and all moneys, negotiable instruments, and securities used or intended to be
 12 used to facilitate any violation of 21 U.S.C. §§ 841(a)(1) and 846 and are subject to forfeiture
 13 under 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C.
 14 § 853(a)(2); 21 U.S.C. § 853(p); and 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c).

15 This Court finds that Jose Gerardo Cortez-Diaz, aka “Cristian Axel Lopez-Cortez,”
 16 aka “Chiquilin,” shall pay an in personam criminal forfeiture money judgment of \$4,500 to
 17 the United States of America, not to be held jointly and severally liable with any
 18 codefendants and the collected money judgment amount between the codefendants is not to
 19 exceed \$66,120 under Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 981(a)(1)(C) with
 20 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 853(a)(2); 21 U.S.C. § 881(a)(6) with
 21 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p).

22 This Court finds that on the government’s motion, the Court may at any time enter
 23 an order of forfeiture or amend an existing order of forfeiture to include subsequently
 24 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

25 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
 26 *United States*, 137 S. Ct. 1626 (2017), *United States v. Thompson*, 990 F.3d 680 (9th Cir. 2021),
 27 and *United States v. Prasad*, 18 F.4th 313, 315, 319 (9th Cir. 2021).

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1 The in personam criminal forfeiture money judgment amount complies with *United*
2 *States v. Lo*, 839 F.3d 777, 790-92 (9th Cir. 2016).

3 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
4 United States of America recover from Jose Gerardo Cortez-Diaz, aka "Cristian Axel
5 Lopez-Cortez," aka "Chiquilin," an in personam criminal forfeiture money judgment of
6 \$4,500.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
8 copies of this Order to all counsel of record and three certified copies to the United States
9 Attorney's Office, Attention Asset Forfeiture Unit.

10 DATED March 20, 2023.

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14 RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE
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